

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00347

Mickey Don Butler,
Plaintiff,

v.

Brian Collier et al.,
Defendants.

O R D E R

Plaintiff Mickey Don Butler, an inmate of the Texas Department of Criminal Justice proceeding pro se and *in forma pauperis*, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 3.

On October 20, 2022, the magistrate judge submitted a report recommending that plaintiff's claims against defendant Collier be dismissed for failure to state a claim upon which relief can be granted. Doc. 10. Plaintiff's other claims are proceeding as instructed by separate order. *Id.* at 3. A copy of the report was mailed to plaintiff, who has not filed an objection within the time permitted.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendant Collier is dismissed from this suit pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2).

So ordered by the court on January 12, 2023.



J. CAMPBELL BARKER
United States District Judge